

**UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
Asheville Division**

UNITED STATES OF AMERICA

vs.

Gary Allen Kirkpatrick

2:03CR17-01

ORDER

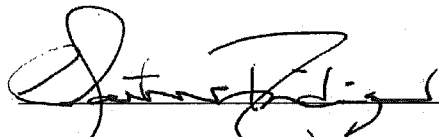
_____The above-named defendant was under supervised release with the U. S. Probation Office from 8/28/2008 until 2/13/2009. On 12/19/2008 the defendant was arrested upon a Violation Petition alleging that on 11/6/2008 the defendant had threatened to assault the director and a resident of Life Boat Recovery Center, Asheville, NC with a steak knife. During a subsequent search of the defendant's room a steak knife was found hidden in the defendant's refrigerator. The steak knife was identified by the victims as the weapon used during the threat. The knife was seized as evidence.

_____On 2/13/2009 the defendant appeared in U. S. District Court, Asheville, NC before the Honorable Lacy H. Thornburg to answer to the charge of Supervised Release Violation. At that time his supervised release was revoked and the defendant was sentenced to 24 months imprisonment and \$670 restitution. Defendant entered a notice of appeal at that time. Judge Thornburg ordered the knife be held in evidence by the U. S. Probation Office until such time the appeal process had been completed.

In an unpublished per curiam opinion decided 4/20/2010 the United States Court of Appeals for the Fourth Circuit affirmed the District Court's decision. Consequently the defendant's appeal was terminated by the U. S. District Court, Asheville 5/12/2010.

For the reasons stated herein, it is ordered the steak knife seized by the U. S. Probation Office be destroyed by the U. S. Probation Office

Signed: December 16, 2010



Martin Reidinger
United States District Judge

